

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the Final Office Action dated February 21, 2006 but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims, the two Declarations of Mr. Okano which were previously filed in this Application and the following remarks.

Claims Status

Claims 1-13 are pending in this Application. Claims 3, 4 and 10-12 have been withdrawn, thus Claims 1, 2, 5-9 and 13 are under prosecution.

Claim 2 has been amended herein to correct an obvious typographical error. Claim 13 has been added herein to specify that at least one compound is an imidazole compound and that the amount of the imidazole compound in the bleach-fixer composition is 0.01 to 2.5 mol/l. Support for the amount of the imidazole compound present in the bleach-fixer composition can be found on page 14, line 20 of the Application.

Invention

One of the novel aspects of the present Invention is the combination of an imidazole compound and an aminopolycarboxylic acid iron complex having an Fe(II) ratio of not less than 50 mol %. Such a combination provides about a 3 to 8 fold increase in whiteness and stain when compared to either the lack of imidazole compound in the bleach-fixer composition or the presence of an imidazole compound without the aminocarboxylic acid having an iron complex having an FE(II) ratio of not less than 50 mol %. It is deemed that such a dramatic increase which is demonstrated by the Declaration that have been submitted in this Application, namely, the Declaration of Mr. Okano dated January 16, 2006 and July 14, 2005, clearly demonstrate the surprising and unexpected results obtained in the present Invention and clearly demonstrate the patentability of the present Invention. These points will be discussed in more detail below.

Claims 1, 2 and 5-9 had been rejected as being unpatentable over a combination of Kuykendall and Kamada. The Examiner had taken the position that the combination of Kuykendall and Kamada was obvious. The Examiner further took the position that the improvement which has been shown in the data of the two

Declarations that had been submitted would also be expected by one of skill in the art, see point 2 on page 4 of the Final Office Action. Applicants respectfully disagree with the Examiner's position and wish to point out that the test data demonstrates what one of skill in the art would expect and demonstrates that the present Invention provides an improvement of about 3 to 8 fold increase in whiteness and stain. No one of skill in the art expects such a dramatic increase in any field of invention.

In order to concretely demonstrate what one of skill in the art would expect, the Examiner's attention is directed to Table 10 attached to Mr. Okano's Declaration of July 14, 2005. Experiment No. 119 shows a bleach-fixer composition having aminocarboxylic acid iron complex having an Fe(II) ratio of 50%. Such a material shows a whiteness of 0.1 and a stain of 0.11. Thus, one of skill in the art without any imidazole would expect a whiteness and stain as shown. Table 10 also demonstrates what one of skill in the art would expect an imidazole compound to provide wherein the ratio of Fe(II) is below the 50% range. As shown in Table 10 of the July 2005 Declaration of Mr. Okano, imidazole is tested where the different imidazole amounts and different imidazole compounds are tested where the concentrate

bleach-fixer composition has an iron concentration below the 50% range, i.e. 40%. It can be seen that the imidazole compound does provide an improvement to the photographic quality both in whiteness and stain. For example, compare Experiment No. 101 to 119. It can be seen that from such a comparison, there is an improvement for whiteness and stain. Likewise, if a comparison is made between Experiment 119 and Experiment 102, it can be seen that there is an improvement for whiteness and stain. Thus, Applicants will agree with the Examiner that an improvement does occur with the use of imidazole. However, the degree of improvement provided by the present Invention far surpasses that what one of skill in the art would expect. This can be seen by comparing Experiment 119, Experiment 101 and Experiment 103.

The difference between Experiment 119 and Experiment 101 shows an improvement of about 10% for both whiteness and stain. In contrast, a comparison of Experiment 119 and Experiment 103 shows an improvement of about 70% for both whiteness and stain. Such a three fold increase is not expected by one of skill in the art. Such dramatic increases can also be seen by comparing the other test data as shown in Table 10 of Mr. Okano's July 2005 Declaration. For example, compare Experiment 102 and

Experiment 104 where an eight fold increase is seen between the imidazole of the present Invention and the prior art.

Thus, Applicants submit that Table 10 of Mr. Okano's July 2005 Declaration clearly demonstrates what one of skill in the art would expect with imidazole and clearly demonstrates that the present Invention is far superior to that of what one of skill in the art would expect.

In point 1 on page 4 of the Final Rejection, the Examiner pointed that the instant claims were not reasonably limited to the specific amount of 0.01 to 2.5 mol per liter of imidazole compound. As noted above, Claim 13 has been added herein.

With respect to points 3, 4 and 5 of the Office Action as they appear on pages 4 and 5 of the Office Action, Applicants submit that they have tested different types of imidazole in different amounts and have demonstrated that the claims work for both different imidazole compounds and for different amounts of the imidazole compound. It is submitted that Applicants do not need to test each and every combination of chemicals recited in the claims.

Respectfully, Applicants have demonstrates that the claimed combined compositions as recited in the claims provides surprising and unexpected results compared to the prior art and, as such, is patentable over the prior art. Applicants also submit that the amount of test data that has been presented is sufficient to prove the surprising and unexpected characteristics of the present Invention and to refute the Examiner's prima facie case of obviousness since Applicants have demonstrated what one of skill in the art would expect the improvement to be with imidazole and have demonstrated that the present Invention is far superior to what one of skill in the art would expect.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. Should any fees or extensions of time be necessary in order to maintain this Application in pending

condition, appropriate requests are hereby made and
authorization is given to debit Account # 02-2275.

Respectfully submitted,

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